

REMARKS

Applicants respectfully request entry of the above Amendment to place this U.S. Patent Application in better form for examination and prosecution before the U.S. Patent and Trademark Office. Claim 36 has been canceled as being drawn to a non-elected invention. Claims 37 has been added, and reads on the elected invention.

Election/Restriction

The Examiner requires restriction to one of FIGS. 1-10, each of the figures representing a particular illustrated combination of features of the claimed invention. Applicants hereby elect FIG. 1, with traverse.

As an initial matter, the Restriction Requirement is improper for not being made under Unity of Invention rules according to 37 CFR 1.475. For the subject Patent Application, Applicants respectfully assert that at least FIGS. 1-8 and 10 possess a general inventive concept of an anti-skid spike with an insertion element extending within and from a base body with a sleeve around the base body.

According to MPEP 1850, a finding of no unity of invention cannot be made simply because of a different classification of species.

Furthermore, the Restriction Requirement is based upon the species being allegedly mutually exclusive. Applicants respectfully disagree, as there are

features in particular figures that can be also applied to the embodiments shown in another figure. As one example, Species 2 (FIG. 2) shows a larger diameter sleeve 20 with a cylindrical passage. However, the larger diameter sleeve is not limited to the cylindrical passage or a cylindrical base body section as shown in FIG. 2. Claims directed to the larger diameter sleeve are not mutually exclusive to, for example, claims reciting a “truncated” passageway instead of a cylindrical passageway. This is further supported in the dependency of original Claims 10-13.

This same argument also applies to elements of the species of FIGS. 5-8 and 10, which can overlap in scope with, and are thus not mutually exclusive to, the other species alleged in the Office Action.

Claims 1-8, 20-25, 27, 34, and 37 are generic or read on FIG. 1. However, under PCT Unity of Invention rules and the comments above, all claims except Claim 19 should be examined. Applicants sincerely believe that this U.S. Patent Application is now in condition for examination before the USPTO.

Respectfully submitted,



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